IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2424 OF 2007

M/s.Delhi Rajasthan Transport Co. Ltd...Petitioners & ors

V/s.

M/s.Sunil Textile Industries & anr. ..Respondents

Mr.Mukesh J. Pabari for the petitioners
Ms.V.Mhaispurkar, AGP for the respondent No.2

CORAM : A.S.OKA, J

DATE : 10TH APRIL, 2007

P.C.

1. Heard advocate appearing for the petitioners. The petitioners are the original defendant Nos.4 to 6 who applied for deletion of their names from the cause title of the suit filed by the first respondent. The case made out by the petitioners was that there is no cause of action for filing of the suit as against the petitioners as they are merely transporters of the goods. By the impugned order dated 7th February, 2007, the said application has been rejected on the ground that the suit is already posted for final hearing

and therefore, issues raised by the petitioners will have to be decided after consideration of the evidence. I find no fault with the impugned order passed in this petition under article 227 of the Constitution of India. All issues are kept open which will be decided along with the other issues in the suit. Subject to what is stated above, Writ Petition is rejected.

(A.S.OKA, J.)